

**Staff  
Summary  
Report**



**To: Mayor & City Council  
Through: City Manager**

**Agenda Item Number** 47  
**Meeting Date** 11/29/01

**SUBJECT: ORDINANCE FOR INTRODUCTION**

**PREPARED BY:** JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES  
(350-8417)

**REVIEWED BY:** NEIL MANN, DEPUTY PW MANAGER/CITY ENGINEER  
(350-8250)

**BRIEF:** Set a public hearing for **December 13, 2001**, and **January 10, 2002**, for the abandonment of a 12 foot and 20 foot public utility easement.

**COMMENTS:** **ABANDONMENT (0901) ORDINANCE NO. 2001.38** Set a public hearing for December 13, 2001, and January 10, 2002, for the abandonment of a 12 foot and 20 foot waterline easement, as dedicated on the Final Plat and Final P.A.D. for Rio Ventana Townhomes, recorded in Book 550 of Maps, Page 23. A new easement for our facilities has been dedicated, rendering this easement obsolete. There are no existing facilities located within the easement to be abandoned.

**Document Name:** (20011129PWDR04) Supporting Documents: Yes

**SUMMARY:** The plat (of which the easement is a part) was recorded in Instrument 2001-0953819 Maricopa County Records. Staff supports this abandonment.

**RECOMMENDATION:**

That the City Council hold a public hearing and adopt Ordinance No. 2001.38 and authorize the Mayor to execute any necessary documents.

Approved by: Glenn Kephart, Public Works Manager

ORDINANCE NO. 2001.38

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PUBLIC UTILITY EASEMENT AS DEDICATED BY THE FINAL PLAT AND FINAL P.A.D. - FOR RIO VENTANA TOWNHOMES, LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 4 EAST, G&SRB&M.

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WHEREAS, it has been determined by the City Council of the City of Tempe that a certain easement which was intended for public utilities is no longer required by the City for use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish and vacate a certain easement which was intended for public utilities as described and delineated on EXHIBIT "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in that easement to be abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

SECTION IV. That the City Engineer or his designee is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

LEGAL DESCRIPTION  
OF A  
PUBLIC UTILITY EASEMENT  
TO BE ABANDONED

EXHIBIT "A"

That certain 20 foot and 12 foot Public Utility Easement as dedicated by the Final Plat & Final P.A.D. for RIO VENTANA TOWNHOMES, recorded December 14, 2000 in Book 550 of Maps, Page 23, Records of Maricopa County, Arizona.

Prepared by:

MOREA-HALL ENGINEERING, INC.  
1820 W. Maricopa Freeway  
Phoenix, Arizona 85007  
Job No. 3446.36  
September 10, 2001  
P.U.E. Easement Abandonment



